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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/153,631 09/15/98 YOUNES K ROKWELL.036A

020995 WM01/1106
KNOBBE MARTENS OLSON & BEAR LLP
620 NEWPORT CENTER DRIVE
SIXTEENTH FLOOR
NEWPORT BEACH CA 92660

EXAMINER

OPSASNICK, M

ART UNIT

PAPER NUMBER

2645

DATE MAILED:

11/06/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/153,631

Applicant(s)

Younes

Examiner

Michael N. Opsasnick

Art Unit

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 20, 2001
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

- ☐ Certified copies of the priority documents have been received.
- ☐ Certified copies of the priority documents have been received in Application No. _____.
- ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other:

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DETAILED ACTION

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6,8-12-19,21-27-33,35-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladden et al (5885003).

As per claims 1,8,9,18,19,27,29,30,37, Ladden et al (5885003) teaches a wireless communication system (abstract) comprising:

“a base station which transmits signals” as bss (Fig. 1)

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“a mobile unit.....speech coder” as mobile station having codec A and codec B (Fig. 2 subblocks 200-202)

“a signal strength detector.....mobile unit....a code selector in the mobile unit which directs the mobile unit.....quality of the signals” as sensing the quality of the signal and sending messages to switch to an alternated codec if the quality is poor (col. 5 lines 30-38), Ladden et al (5885003) teaches the location of the code selector in the mobile unit (Fig. 5, subblock 509 -- the instruction comes from BSS, but the actual code selection occurs in the MS -- mobile unit)

Ladden et al (5885003) fails to explicitly state “when the quality exceeds predetermined levels” (Ladden et al (5885003) teaches the use of a quality sensor that determines if speech is of a certain quality). Therefore, it would have been obvious to one of ordinary skill in the art of speech processing to modify the teachings of Ladden et al (5885003) to state when the quality exceeds predetermined levels because when the quality sensor determines if speech is of certain quality, that quality determination step includes some comparison to a threshold.

As per claims 2,10,15,31,33 Ladden et al (5885003) teaches switching from one codec to the other when speech quality is poor (col. 5 lines 30-38); and user control of switching (col. 4 lines 3-5).

As per claims 3-5,11,12,23-25,26,38 Ladden et al (5885003) teaches coder selector bypass (Fig. 3, subblock 303,306, and 309), bit exact and non-bit exact coders (one codec is for

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speech, the other for speech recognition --> col. 3 lines 19-24), first and second coders are compatible (both codec are related to speech, col. 3 lines 25-41),

As per claim 6,16,17, Ladden et al (5885003) teaches frame bit error and parity check (inherent in the telecommunication protocols --> col. 2 lines 50-59).

As per claims 13,14,21,22,28,32,36, Ladden et al (5885003) teaches switching between a speech recognition system versus simple voice communications (col. 3 lines 19-24), but fails to explicitly state power and processor loading conservation. It would have been obvious to one of ordinary skill in the art of speech processing that Ladden et al (5885003) teaches power and processor loading conservation because Ladden et al (5885003) teaches the switching between a simple speech codec and a more complicated (and therefore more power, processor consuming) speech recognition codec, and the switching to a simpler speech codec after the use of a more complicated codec inherently teaches the desire to switch to a system that requires less power and processing.

4. Claims 7,20, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ladden et al (5885003) in view of Wheatley, III (5469471).

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As per claims 7,20, and 34, Ladden et al (5885003) does not explicitly teach power and adjustment level techniques. However, Wheatley, III (5469471) teaches power measurement and dynamic power control in a mobile unit (Fig. 3). Therefore, it would have been obvious to one of ordinary skill in the art of speech processing to modify the teachings of Ladden et al (5885003) with power measurements and adjustment of levels because it would advantageously allow the unit to maintain a proper power level as channel conditions change (col. 2 lines 48-52).

Response to Arguments

5. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection. Examiner notes the change in the rejection to address applicant's amendments/arguments with respect to the claim language pertaining to the location of the code selector in the mobile unit.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

For informal or draft communications, please label

"PROPOSED" or "DRAFT" on the front page of the

communication, and do NOT sign the communication.

Hand-delivered responses should be brought to Crystal
Park II, 2021 Crystal Drive, Arlington. VA., Sixth
Floor (Receptionist).

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Fan Tsang, can be reached at (703)305-4895. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this applications should be directed to the Group receptionist whose telephone number is (703)305-3900.

October 29, 2001
mno

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

